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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,769	11/07/2007	George Bertram	034017R016US	7872
441 7590 03/21/2011 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036			EXAMINER SHEARER, DANIEL R	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 03/21/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/591,769

**Applicant(s)**

BERTRAM ET AL.

**Examiner**

DANIEL R. SHEARER

**Art Unit**

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-44 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-20 and 43-45, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member and a first and a second valve assembly extending rearwardly off of the manifold and so of the mixing module. A method of assembling a dispenser and a method of dispensing polyurethane packaging foam.

Group II, claims 21-27, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a drive assembly, a reciprocating member and the drive assembly comprising a ball screw transmission assembly with a ball screw pitch angle of less than 11 degrees.

Group III, claims 28-32, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member with the dispenser having electrical plug connection means at a rear end of said dispenser.

Group IV, claims 33 and 34, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member with the manifold having a pair of dispense material passageways and fittings for connection with sources of dispense material said fittings being swivel fittings.

Group V, claim 35, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member with the manifold having a pair of dispense material passageways and fittings for connection with sources of dispense material, said fittings having castellated free ends.

Group VI, claims 36 and 37, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member, an electronic trigger assembly and a finger compression member.

Group VII, claims 38-41, drawn to a hand held dispenser comprising a handle, a dispense material manifold, a mixing module, a driver, a reciprocating member and elongated filter assemblies.

2. The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The closest prior art has been identified as US Patent No. 6,283,329 (D1). D1 discloses a hand held dispenser comprising a handle (fig. 1), a dispense material manifold (fig. 1), a mixing module (fig. 1,5, col. 9, line 56 to col. 10, line 13), a driver (fig. 1, col. 7, lines 53-67) and a reciprocating member (col. 10, lines 51-67).

From the comparison of the first invention (claims 1-20 and 43-45) and the disclosure of D1, the following technical feature of the first invention can be seen to make a contribution over D1 and therefore is considered to be the STF (Special Technical Feature, Rule 13.2 PCT) of the first invention:

- A first and a second valve assembly extending rearwardly off of the manifold and of the mixing module.

This STF solves the problem of improving the balancing of the hand held dispenser in the operator's hand.

From the comparison of the second invention (claims 21-27) and the disclosure of D1, the following technical feature of the second invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the second invention:

- The drive assembly comprises a ball screw transmission assembly with a ball screw pitch angle of less than 11 degrees.

This STF solves the problem of decreasing the susceptibility of a failure mode called "free-wheeling" (see page 9, lines 10-21).

From the comparison of the third invention (claims 28-32) and the disclosure of D1, the following technical feature of the third invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the third invention:

- The dispenser has electrical plug connection means at a rear end of said dispenser.

This STF solves the problem of allowing a quick release at a desired time for change over of a dispenser (see page 16, lines 12-23).

From the comparison of the fourth invention (claims 33 and 34) and the disclosure of D1, the following technical feature of the fourth invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the fourth invention:

- The manifold has a pair of dispense material passageways and fittings for connection with sources of dispense material said fittings being swivel fittings.

This STF solves the problem of decreasing material leakage (see page 20, lines 4- 20).

From the comparison of the fifth invention (claim 35) and the disclosure of D1, the following technical feature of the fifth invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the fifth invention:

- The manifold has a pair of dispense material passageways and fittings for connection with sources of dispense material said fittings having castellated free ends.

This STF solves the problem of improving the material flow (see page 21, line 21 to page 22, line 2).

From the comparison of the sixth invention (claims 36 and 37) and the disclosure of D1, the following technical feature of the sixth invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the sixth invention:

- An electronic trigger assembly and a finger compression member.

This STF solves the problem of improving the robustness of the trigger switch (see page 11, line 15 to page 12, line 7).

From the comparison of the seventh invention (claims 38-41) and the disclosure of D1, the following technical feature of the seventh invention can be seen to make a contribution over D1 and therefore is considered to be the STF of the seventh invention:

- elongated filter assemblies.

This STF solves the problem of improving the filtering capacity of the dispenser.

The above analysis shows that the STF of the seven inventions are not the same and are not corresponding. A comparison of the objective problems related to the seven inventions, seen in the light of the description and drawings of the application, shows that they are different and that they have no corresponding technical effect. In conclusion, the groups of claims are not linked by common or corresponding special technical features and define 7 different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention or species.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SHEARER whose telephone number is (571)270-7416. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R. S./  
Examiner, Art Unit 3754

/Kevin P. Shaver/  
Supervisory Patent Examiner, Art  
Unit 3754

